

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Jeremy Tyrone Jackson,)	Civil Action No.1:13-cv-03383-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Warden Tim Riley, A/W Gary Lane, A/W)	<u>OPINION AND ORDER</u>
Laura Cardwell, Major James Parrish,)	
Captain Jonathan Nance, Sgt. Christopher)	
Dillard, Lt. Moore,)	
Defendants.)	

Plaintiff Jeremy Tyrone Jackson (“Plaintiff”) filed this action against Warden Tim Riley, A/W Gary Lee, A/W Laura Cardwell, Major James Parrish, Captain Jonathan Nance, Sgt. Christopher Dillard, and Lt. Moore (“Defendants”) alleging causes of action for assault and racial degradation. (ECF No.1.) This matter is now before the Court upon the Magistrate Judge’s Report and Recommendation filed on May 27, 2014, recommending this case be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure on the grounds that Plaintiff failed to comply with this Court’s orders. (ECF No. 24.) More specifically, Plaintiff failed to comply with the Magistrate Judge’s order of December 19, 2013, granting Plaintiff leave to proceed in forma pauperis and directing Plaintiff to notify the court of a change in address. (ECF No. 9.) The Court entered a First Amended Scheduling Order on April 28, 2014 (ECF No. 21), which was mailed to Plaintiff the same day (ECF No. 22) and was subsequently returned as undeliverable on May 23, 2014. (ECF No. 23.) Further, the Magistrate Judge’s Report and Recommendation was mailed to Plaintiff on May 28, 2014 (ECF No. 25) and was subsequently returned as undeliverable on June 16, 2014. (ECF No. 26.)

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred

to United States Magistrate Judge Shiva V. Hodges for pretrial handling. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 24.) However, he has not done so and objections were due on June 13, 2014. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
July 18, 2014